

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re: Eric Heisig

Debtor.

In Proceedings Under Chapter 13

Case No. 22-13324

Judge Arthur I. Harris

Notice of Amended Plan

Mr. Eric Heisig, Petitioner herein, has filed an amended plan (Docket 15) to meet the objection regarding feasibility raised by the Chapter 13 Trustee. (Docket 14) The amendment is found at paragraph 5.1 which corrects an error in calculation. The dividend to unsecured creditors is unchanged at 33% but the anticipated payment is now correctly calculated at \$51,441.10. A copy of the Amended Plan is attached hereto as Exhibit A.

Respectfully submitted:

**SUSAN M. GRAY ATTORNEYS
AND COUNSELORS AT LAW**

/s/ Susan M. Gray

SUSAN M. GRAY (0062356)

Counsel for Mr. Heisig

22255 Center Ridge Rd., Suite 106

Rocky River, Ohio 44116

Tel. (440) 331-3949

Fax. (440) 331-8160

Email: smgray@smgraylaw.com

Fill in this information to identify your case:

Debtor 1 **Eric J. Heisig**
First Name Middle Name Last Name

Debtor 2
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: **NORTHERN DISTRICT OF OHIO**

Case number: **22-13324**
(If known)

☒ Check if this is an amended plan, and list below the sections of the plan that have been changed.
1.3; 5.1

Official Form 113
Chapter 13 Plan

12/17

Part 1: Notices

To Debtor(s): This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.

In the following notice to creditors, you must check each box that applies

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under any plan.

The following matters may be of particular importance. **Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.**

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included

Part 2: Plan Payments and Length of Plan

2.1 Debtor(s) will make regular payments to the trustee as follows:

\$1032.15 per **Month** for **50** months

\$1502.34 per **Month** for **10** months

Insert additional lines if needed.

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

2.2 Regular payments to the trustee will be made from future income in the following manner.

Check all that apply:

- ☒ Debtor(s) will make payments pursuant to a payroll deduction order.
☐ Debtor(s) will make payments directly to the trustee.
☐ Other (specify method of payment):

2.3 Income tax refunds.

Check one.

Debtor Eric J. Heisig Case number 22-13324

- ☐ Debtor(s) will retain any income tax refunds received during the plan term.
- ☐ Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all income tax refunds received during the plan term.
- ☒ Debtor(s) will treat income refunds as follows: Mr. Heisig will comply with the confirmation order

2.4 Additional payments.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

2.5 The total amount of estimated payments to the trustee provided for in §§ 2.1 and 2.4 is \$66,630.90.

Part 3: Treatment of Secured Claims

3.1 Maintenance of payments and cure of default, if any.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.

3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims. Check one.

- ☒ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

- ☐ **None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.
- ☒ The claims listed below were either:

(1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or

(2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. Unless otherwise ordered by the court, the claim amount stated on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Name of Creditor	Collateral	Amount of claim	Interest rate	Monthly plan payment	Estimated total payments by trustee
Hyundai Motor Finance	2020 Hyundai Elantra 34895 miles	\$8,341.32	7.50%	\$241.67	\$9,425.10
				Disbursed by:	
				<input checked="" type="checkbox"/> Trustee	
				<input type="checkbox"/> Debtor(s)	

Insert additional claims as needed.

3.4 Lien avoidance.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

3.5 Surrender of collateral.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

Part 4: Treatment of Fees and Priority Claims

4.1 General

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

4.2 Trustee's fees

Trustee's fees are governed by statute and may change during the course of the case but are estimated to be 5.20% of plan payments; and during the plan term, they are estimated to total \$3,464.70.

4.3 Attorney's fees.

The balance of the fees owed to the attorney for the debtor(s) is estimated to be \$2,300.00.

4.4 Priority claims other than attorney's fees and those treated in § 4.5.

Check one.

☒ **None.** *If "None" is checked, the rest of § 4.4 need not be completed or reproduced.*

4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.

Check one.

☒ **None.** *If "None" is checked, the rest of § 4.5 need not be completed or reproduced.*

Part 5: Treatment of Nonpriority Unsecured Claims**5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. *Check all that apply.*

☒ The sum of \$ 51,441.10 .

☒ 33 % of the total amount of these claims, an estimated payment of \$ 51,441.10 .

☐ The funds remaining after disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$ ____.

Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims. *Check one.*

☒ **None.** *If "None" is checked, the rest of § 5.2 need not be completed or reproduced.*

5.3 Other separately classified nonpriority unsecured claims. *Check one.*

☒ **None.** *If "None" is checked, the rest of § 5.3 need not be completed or reproduced.*

Part 6: Executory Contracts and Unexpired Leases**6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. *Check one.***

☐ **None.** *If "None" is checked, the rest of § 6.1 need not be completed or reproduced.*

☒ **Assumed items.** Current installment payments will be disbursed either by the trustee or directly by the debtor(s), as specified below, subject to any contrary court order or rule. Arrearage payments will be disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

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Name of Creditor	Description of leased property or executory contract	Current installment payment	Amount of arrearage to be paid	Treatment of arrearage (Refer to other plan section if applicable)	Estimated total payments to trustee
MM&M Properties	Residential Lease	\$0.00	\$0.00		\$0.00

Disbursed by:

- ☒ Trustee
☐ Debtor(s)

Insert additional contracts or leases as needed.

Part 7: Vesting of Property of the Estate

7.1 Property of the estate will vest in the debtor(s) upon

Check the applicable box:

- ☐ plan confirmation.
☐ entry of discharge.
☐ other: _____

Part 8: Nonstandard Plan Provisions

8.1 Check "None" or List Nonstandard Plan Provisions

☒ None. If "None" is checked, the rest of Part 8 need not be completed or reproduced.

Part 9: Signature(s):

9.1 Signatures of Debtor(s) and Debtor(s)' Attorney

If the Debtor(s) do not have an attorney, the Debtor(s) must sign below, otherwise the Debtor(s) signatures are optional. The attorney for Debtor(s), if any, must sign below.

X /s/ Eric J. Heisig
Eric J. Heisig
Signature of Debtor 1

X _____
Signature of Debtor 2

Executed on December 30, 2022

Executed on _____

X /s/ Susan M. Gray
Susan M. Gray
Signature of Attorney for Debtor(s)

Date December 30, 2022

By filing this document, the Debtor(s), if not represented by an attorney, or the Attorney for Debtor(s) also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Official Form 113, other than any nonstandard provisions included in Part 8.

Exhibit: Total Amount of Estimated Trustee Payments

The following are the estimated payments that the plan requires the trustee to disburse. If there is any difference between the amounts set out below and the actual plan terms, the plan terms control.

a. Maintenance and cure payments on secured claims <i>(Part 3, Section 3.1 total)</i>	<u>\$0.00</u>
b. Modified secured claims <i>(Part 3, Section 3.2 total)</i>	<u>\$0.00</u>
c. Secured claims excluded from 11 U.S.C. § 506 <i>(Part 3, Section 3.3 total)</i>	<u>\$9,425.10</u>
d. Judicial liens or security interests partially avoided <i>(Part 3, Section 3.4 total)</i>	<u>\$0.00</u>
e. Fees and priority claims <i>(Part 4 total)</i>	<u>\$5,764.70</u>
f. Nonpriority unsecured claims <i>(Part 5, Section 5.1, highest stated amount)</i>	<u>\$51,441.10</u>
g. Maintenance and cure payments on unsecured claims <i>(Part 5, Section 5.2 total)</i>	<u>\$0.00</u>
h. Separately classified unsecured claims <i>(Part 5, Section 5.3 total)</i>	<u>\$0.00</u>
i. Trustee payments on executory contracts and unexpired leases <i>(Part 6, Section 6.1 total)</i>	<u>\$0.00</u>
j. Nonstandard payments <i>(Part 8, total)</i>	<u>\$0.00</u>
	+
Total of lines a through j	<div>\$66,630.90</div>

Certificate of Service

The following is the list of **parties** who are currently on the list to receive email notice/service for this case.

- **Susan M. Gray** smgray@smgraylaw.com,
sgrayecfmail@gmail.com;mariesr74955@notify.bestcase.com
- **Lauren A. Helbling** ch13trustee@ch13cleve.com,
lhelbling13@ecf.epiqsystems.com
- **United States Trustee** (Registered address)@usdoj.gov

In addition, the following were served by regular United States Mail this January 2, 2023:

PRA Receivables Management, LLC PO Box 41021 Norfolk, VA 23541	Bank of America PO Box 15019 Wilmington, DE 19886- 5019	Bank of America PO Box 672050 Dallas, TX 75267-2500
Best Buy Credit Services PO Box 790441 Saint Louis, MO 63179	Best Buy Visa PO Box 78009 Phoenix, AZ 85062-8009	Chase PO Box 15298 Wilmington, DE 19850- 5298
Chase Bank PO Box 6294 Carol Stream, IL 60197- 6294	Citi Cards PO Box 60004 Sioux Falls, SD 57117- 6004	Citi Cards PO Box 70166 Philadelphia, PA 19176- 0166
Citibank Customer Service PO Box 6500 Sioux Falls, SD 57117	Citizens PO Box 82522 Lincoln, NE 68501-2522	Citizens Bank N.A. One Citizens Bank Way Mailstop JCA115 Johnston, RI 02919
David J. Phillips 6519 Haines Lane West Olive, MI 49460	Discover PO Box 70176 Philadelphia, PA 19176- 0176	Discover PO Box 30943 Salt Lake City, UT 84130- 0943
Discover Bank Discover Products Inc PO Box 3025 New Albany, OH 43054- 3025	Earnest P.O. Box 9202 Wilkes Barre, PA 18773- 9202	Earnest PO Box 9250 Wilkes Barre, PA 18773- 9250
Firstmark Services PO Box 2977 Omaha, NE 68103-2977	Hyundai Capital America DBA Hyundai Motor Finance P.O. Box 20809	Hyundai Motor Finance PO Box 650805 Dallas, TX 75265-0805

	Fountain Valley, CA 92728	
Hyundai Motor Finance PO Box 20809 Fountain Valley, CA 92728-0809	JPMorgan Chase Bank, N.A. s/b/m/t Chase Bank USA, N.A. c/o Robertson, Anschutz, Schneid, Crane & Partners, PLLC 6409 Congress Avenue, Suite 100 Boca Raton, FL 33487	Lending Club Bank, NA 595 Market St., Suite 200 San Francisco, CA 94105
LendingClub Corp Wells Fargo Lock Box Services Lockbox Services #134268 3340 Flair Drive El Monte, CA 91731	LendingClub Corp. PO Box 884268 Los Angeles, CA 90088- 4268	MM&M Properties 15831 Munn Rd Cleveland, OH 44111
NAVIENT PC TRUST C/O Navient Solutions, LLC. PO BOX 9640 Wilkes-Barre, PA 18773- 9640	Pay Pal Credit Services PO Box 960006 Orlando, FL 32896-0006	PayPal Credit PO Box 530993 Atlanta, GA 30353-0993
PayPal Credit Services/GEGRB P.O. Box 965004 Orlando, FL 32896-5004		

/s/Susan M. Gray
Susan M. Gray
Attorney for Mr. Heisig